

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHARLES EDWARD WEIMER,

Plaintiff,

v.

FRED COLSON SMITH JR., et al.,

Defendants.

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Case No. CIV-22-01087-JD

ORDER

Before the Court is the Report and Recommendation (“R. & R.”) [Doc. No. 7] of United States Magistrate Judge Amanda Maxfield Green, recommending that this action be dismissed without prejudice to refile for Plaintiff’s failure to comply with Judge Green’s January 5, 2023, order [Doc. No. 5] requiring Plaintiff to cure deficiencies in his motion to proceed *in forma pauperis* [Doc. No. 2] or “in the alternative pay the filing fee.” R. & R. at 1. Judge Green advised Plaintiff of his right to object to the R. & R. by February 23, 2023. *Id.* at 3.

On February 9, 2023, the Court received the full filing fee payment from Plaintiff. [Doc. No. 8]. Considering Plaintiff’s payment and the fact he did not file any objection to the R. & R. by the deadline, the Court accepts the R. & R. [Doc. No. 7] as requiring him to pay the filing fee and denies his motion to proceed *in forma pauperis* [Doc. No. 2] as moot. The filing fee requirement has been satisfied by Plaintiff.

Consequently, the Court rerefers this matter to United States Magistrate Judge Amanda Maxfield Green for further proceedings consistent with the initial case referral.

[Doc. No. 4].

IT IS SO ORDERED this 24th day of March 2023.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE